

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
ANDREW O ARMOUR,

Case No.: 17-11052
Judge: PAPALIA
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Original | <input type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input checked="" type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required | <input type="checkbox"/> No Discharge Sought |

Date: March 1, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 100.00 per month to the Chapter 13 Trustee, starting on February 1, 2017 for approximately 36 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property:

Description: 268 North Mountain Ave., Montclair, New Jersey

Proposed date for completion: 8/31/2017

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
MINION & SHERMAN	ATTORNEYS FEES	\$ 2,000.00 (balance of original retainer)

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
MIDLAND MORTGAGE COMPANY	268 North Mountain Ave., Montclair, New Jersey	\$500,000.00	n/a	\$500,000.00	as per terms of note and mortgage or as may be modified through bankruptcy court loss mitigation program

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
PNC BANK (SECOND MORTGAGE)	268 North Mountain Ave., Montclair, New Jersey	\$43,000.00	\$600,000.00	\$700,052.00	\$0.00	n/a	\$0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☐ Not less than _____ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid
INTERNAL REVENUE SERVICE	NON-DISCHARGEABLE - TO BE PAID OUTSIDE THE PLAN AS PER AGREEMENT	TO BE PAID OUTSIDE THE PLAN IN ACCORDANCE WITH AGREEMENT	\$370.00/MONTH
STUDENT LOANS	NON-DISCHARGEABLE - TO BE PAID OUTSIDE THE PLAN AS PER AGREEMENT	AS PER AGREEMENT (BEING PAID BY DEBTOR'S CHILDREN)	AS PER AGREEMENT

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
PNC BANK (2nd Mortgage)	268 North Mountain Ave. Montclair, New Jersey	Entire Mortgage estimated to be \$43,000.00 **DEBT WAS DISCHARGED IN PRIOR BANKRUPTCY**

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Attorneys Fees
- 3) Priority Claims
- 4) Secured Claims 5) General Unsecured Claims

d. Post-Petition Claims

The Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: _____.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 3/1/2017

/s/ Scott D. Sherman
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 3/1/2017

/s/ Andrew Armour
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Andrew O Armour
 Debtor

Case No. 17-11052-VFP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 1
 Total Noticed: 17

Date Rcvd: Mar 02, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 04, 2017.

db
 516598505 +Andrew O Armour, 268 North Mountain Ave, Upper Montclair, NJ 07043-1019
 516598506 +Acs/Chela Fin Usa, Acs/Education Services, Po Box 7051, Utica, NY 13504-7051
 516598507 +Acs/mefa, 501 Bleecker St, Utica, NY 13501-2401
 516598509 +Acs/mefa, Acs/Education Services, Po Box 7051, Utica, NY 13504-7051
 516661745 +Capital One, Po Box 30285, Salt Lake City, UT 84130-0285
 516598510 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 516598513 First Premier Bank, 601 S Minneapolis Ave, Sioux Falls, SD 57104
 516598514 +Ironbrand Trading, Inc., 268 North Mountain Ave., Montclair, NJ 07043-1019
 KML Law Group, P.C., Suite 5000 - BNY Mellon Independence, 70 Market Street,
 Philadelphia, PA 19106
 516648518 +MEFA, c/o Donohoe Law, P.C., 17 Railroad Avenue, 1st Floor, Duxbury, MA 02332-3807
 516598515 +Midland Mortgage Company, Attn: Bankruptcy, Po Box 26648, Oklahoma City, OK 73126-0648
 516598516 PNC Bank, One PNC Plaza, 249 Fifth Ave., Pittsburgh, PA 15222-2707

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Mar 02 2017 22:45:17 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Mar 02 2017 22:45:14 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516598508 E-mail/Text: ebnbankruptcy@ahm.honda.com Mar 02 2017 22:45:22 Am Honda Fin, Po Box 168088,
 Irving, TX 75016
 516598511 +E-mail/Text: ally@ebn.phinsolutions.com Mar 02 2017 22:44:32 G M A C, Po Box 130424,
 Roseville, MN 55113-0004
 516598512 +E-mail/Text: bankruptcy@icsystem.com Mar 02 2017 22:45:46 IC Systems, Inc,
 444 Highway 96 East, St Paul, MN 55127-2557

TOTAL: 5

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 04, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 1, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor MIDFIRST BANK dcarlon@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Marie-Ann Greenberg magecf@magtrustee.com
 Scott D. Sherman on behalf of Debtor Andrew O Armour ssherman@minionsherman.com
 U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4